IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2170 of 2003

Between:

Grandhi Seetha, W/o. late G.Kamaraj,

Aged about 70 years, R/o. H.No.26-9-17/A,

Ramarao Street, Gandhinagar, Vijayawada-520003,

Krishna district.

..... PETITIONER

AND

1. Municipal Corporation, Visakhapatnam, rep.by Its Commissioner.

2. Special Tahsildar, Land Acquisition, Revenue Division, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in not paying the compensation to her property in Door No.27-4-2 and old Municipal Assessment No.1036 and new Assessment No.6804, S.Nos.156/6 of an extent of 88 sq. yards situated on main road, Viskahapatnam as illegal, arbitrary etc., and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit an d proper in the circumstances of the case.

Counsel for the Petitioner: MR. V.V.L.N.SARMA

Counsel for the Respondent No.1: MR.T.S.VENKATARAMANA

Counsel for the 2nd respondent : --

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.2170 OF 2003

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the 1st respondent Municipal Corporation, Visakhapatnam.

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in not paying the compensation to her for the property situated in Door No.27-4-2 and old Municipal Assessment No.10316 and New Assessment No.6804, Sy.No.156/6 to an extent of 88 square yards situated on the Main Road, Visakhapatnam as arbitrary and illegal.

The fact that the possession of the said property was taken by the first respondent long back for the purpose of road widening is not in dispute. It is also relevant to note that earlier the husband of the petitioner filed W.P.No.6263 of 1989 along with two others seeking a direction to the respondents to initiate proceedings under the Land

Acquisition Act and to pay compensation for the property in question. The petitioner states that in pursuance of the said order, though no proceedings were initiated under the Land Acquisition Act the compensation payable has already been settled in respect of one of the petitioners in W.P.No.6263 of 1989 namely G.S. Bhagwan, however, the compensation to which the petitioner is entitled to has not been settled so far. It also appears that the husband of the petitioner who was the first petitioner in W.P.No.6263 of 1989 expired. In the circumstances, the petitioner filed this writ petition assailing the action of the respondents in not settling the compensation to which she is entitled to.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the first respondent and keeping in view the undisputed fact that the possession of the property in question was taken by the first respondent Corporation long back, and that the compensation to similarly situated person has already been paid, I deem it appropriate to dispose of the writ petition with a direction to the respondents to settle the compensation to which the petitioner is entitled to and to pay the same within a period of two months from the date of receipt of this order. No costs.

The Writ Petition is accordingly disposed of. No costs.

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08th December, 2004

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To

1. The Commissioner, Municipal Corporation, Visakhapatnam.
2. Special Tahsildar, Land Acquisition, Revenue Division, Visakhapatnam.

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